

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

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| |) | |
| UNITED STATES OF AMERICA <i>ex rel.</i> |) | |
| Richard Lardner, |) | Civil Action No. 2:17-cv-02013-JPM-egb |
| |) | |
| Plaintiff-Relator, |) | |
| |) | |
| vs. |) | |
| |) | ORDER OF DISMISSAL |
| SMITH & NEPHEW, INC., and |) | |
| METRO MEDICAL EQUIPMENT |) | |
| & SUPPLY, INC., |) | |
| |) | |
| Defendants. |) | |

Upon due consideration of the Joint Stipulation Consenting to Court Order of Dismissal filed by Relator Richard Lardner and Defendants Smith & Nephew, Inc. and Metro Medical Equipment & Supply, Inc. (collectively “the Parties”), and of the Consent to Dismissal filed by the United States, and for good cause shown;

IT IS HEREBY ORDERED, pursuant to Fed. R. Civ. P. 41(a)(2) and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and subject to compliance with the Agreement between the Parties, that the above-captioned action is dismissed with prejudice as to the Relator, and as to the United States, it is dismissed with prejudice as to the Covered Conduct pertaining to the transactions referenced in Exhibit C to the Settlement Agreement, as that phrase is defined in the Settlement Agreement between the Parties, and without prejudice as to all other matters; and it is

FURTHER ORDERED, that the Court shall retain jurisdiction with respect to the enforcement of the Agreement and any related proceeding.

SO ORDERED this 28th day of February 2020.

/s/ Jon P. McCalla

JON P. MCCALLA
UNITED STATES DISTRICT JUDGE